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THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Letter dated 20 April 2000 from the Permanent Representative of Qatar to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit to you a statement* made at the meeting of the Organization of the Islamic Conference Contact Group on Jammu and Kashmir held at the United Nations Office in Geneva on 13 April 2000, along with a memorandum on the situation in Jammu and Kashmir submitted by the true representatives of the Kashmiri people.

I should be grateful if you would have the statement and memorandum circulated as documents of the fifty-sixth session of the Commission on Human Rights, under agenda items 5 and 9.

(Signed): Fahad Awaida AL-THANI
Ambassador
Permanent Representative
Chairman of the OIC Group

* The annex is reproduced as received, in the language of submission only.

Annex

Statement by the representative of the All Parties Hurriyat Conference, Srinagar, at the meeting of OIC Contact Group on Jammu and Kashmir on 13 April 2000 at Geneva

Mr. Chairman,

At the outset I would like to inform the distinguished members of the Contact Group that the four empty chairs are for our four Kashmiri brothers from who were prevented from joining us today by the Indian authorities.

On behalf of the people of Jammu and Kashmir and the All Parties Hurriyet Conference. The people of Jammu and Kashmir, in this dark night of foreign occupation, derive much sustenance from the continuing and steadfast support of the Organization of Islamic Conference to their legitimate cause. We are particularly indebted to the OIC Contact Group on Jammu and Kashmir for the most valuable efforts exerted on our behalf.

Mr. Chairman,

For the last half century, the Kashmiri people have been striving to secure their inherent right to self-determination. This was pledged to us by the UN Security Council in a number of resolutions. We still await for this pledge to be honored. More specifically, we await the Government of India to honour the solemn commitment that it had made to us and the United Nations.

We have no dispute with the people of India. We only wish to determine and shape our own future according to our own wishes.

Mr. Chairman,

The years of procrastination by India ultimately compelled the Kashmiri people to launch a political movement. It was spontaneous, indigenous and peaceful. The year 1989 was a watershed in the struggle against Indian occupation.

By their very nature the Kashmiri people are peaceful. But, the Government of India chose to respond to our peaceful movement through the use of overwhelming and brute force. The massacre of over 200 Kashmiris on May 22, 1990 when Indian occupation forces opened fire at the funeral procession of Shaheed Maulvi Mohammed Farooq catalyzed the Kashmiri movement. This tragic event marked a major turning point in our struggle.

Mr. Chairman,

India has since then intensified its ruthless campaign of repression against the

Kashmiri people. As of now there are more than 700,000 Indian military and paramilitary troops in Kashmir, constituting the Indian army of occupation in Kashmir. This means that there is one Indian soldier for every seven Kashmiri civilians. Probably never in the history of mankind has such an army been deployed against an occupied people.

This army of occupation has and is committing the most horrendous atrocities against the Kashmiri people with complete impunity.

Thousands of innocent Kashmiris have been killed by these forces and their hired mercenaries. Many more suffer the rigors of imprisonment. Extra-judicial killings, fake encounters, custodial deaths, involuntary disappearances, torture and arbitrary detentions are common place.

Even our women, children and our weak and old elders have not been spared from the draconian measures imposed against our people. Rape is used as an instrument of suppression. It is with the intention to shame us into submission by violating the honour of our women.

Mr. Chairman,

India calls us terrorists. Yet it is India itself that is guilty of the worst terrorism in Kashmir. It is running an army of hired killers in parallel with its occupation army. These killers have been raised specifically to commit massacres for which then the Kashmiri freedom fighters are blamed. The latest such incident is the massacre of 36 Sikhs in Indian Occupied Kashmir timed to coincide with the visit of President Clinton. This was a naked attempt to malign the Kashmiri freedom struggle. Kashmir has always been a harmonious, multicultural, multi-ethnic and multi-religious society. If we Kashmiris can help it will remain so. We condemn human rights violations against all Kashmiris regardless of whether they are Muslims or Hindus or Sikhs or Buddhists.

Mr. Chairman,

Notwithstanding India's policy of naked force, we people remain firm in our resolve to free our land from forcible occupation. Our determination has not diminished.

The Government of India should be under no illusion whatsoever on this count.

We urge the international community to take serious cognizance of the gross and systematic violations of human rights of the Kashmiri people by Indian occupation forces. The international community must effectively intervene in this tragic situation.

We only seek to peacefully exercise our inherent right to self-determination. Any solution to the Kashmir dispute must be on the basis of the legitimate aspirations

of the people in accordance with the relevant United Nations resolutions.

We urge the resumption of a genuine and meaningful dialogue between India and Pakistan in the hope that it would facilitate a just and fair settlement of the Kashmir dispute. This process must include the genuine leadership of the Kashmiri people - All Parties Hurriyat Conference. We hope Government of India will see reason and accept the futility of its present policy to seek a military solution to what is essentially a political issue.

Mr. Chairman,

We appeal to the Islamic Ummah to continue to bear pressure on Government of India to put an immediate end to the atrocities being committed against the Kashmiri people. We urge the OIC contact Group to continue their most valuable efforts on our behalf. We ask the Organization of Islamic Conference to further extend assistance and support to the suffering people of the disputed territory of Jammu and Kashmir.

We are confident that, with the crucial support of the Ummah to our just struggle, our sacrifices shall not be in vain.

Thank you.

Memorandum by the true representatives of the Kashmir people to the OIC contact group on Jammu and Kashmir during the 56th session of Commission on Human Rights, Geneva, 13 April 2000

We, the Representatives of oppressed Kashmiri people:

Recalling the relevant resolutions of the United Nations Security Council and also United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, upholding the right to self-determination of the people of Jammu and Kashmir.

Recalling all resolutions relating to Jammu and Kashmir of the OIC Summit and Ministerial Conferences.

Welcoming the historic Special Declaration of the Extraordinary Session of the Islamic Summit Conference, on Jammu and Kashmir, adopted on 23 March 1997.

Further welcoming the reaffirmation of the commitment of the OIC and its Member States as reflected in the Tehran Summit Declaration of 11 December 1997 and the 26th Islamic Conference of Foreign Ministers held in July 1999 at Burkina Faso, to promote a just and peaceful solution of the Jammu and Kashmir dispute in accordance with the relevant resolutions of the United Nations Security Council and their support to the fundamental human rights of the Kashmiri people, including their right to self-determination.

Expressing deep gratitude to the OIC and its Member States for their unequivocal support for Kashmiris right to self-determination and for their condemnation of the repression and massive human rights violations in Indian occupied Jammu and Kashmir.

Rejecting Indian efforts to impose farcical elections as they are not a substitute to the freely exercised right of the Kashmiri people to self-determination.

Affirming that any agreement on Jammu and Kashmir should be on the sole basis of the aspirations of the Kashmiri people as provided by the relevant UN Security Council Resolutions.

Condemn the serious crimes and human atrocities, massacre, extra-judicial killings, custodial deaths, reprisal killings, arbitrary detention, torture, burning of houses, villages and townships and use of rape as an instrument of suppression by the Indian government through its military and para-military personnel, renegades and mercenaries which have claimed more than 70,000 innocent lives in Jammu and Kashmir during the last ten years

Condemns also the recent massacre of 36 Kashmiri Sikhs and calls for an international inquiry into the killings to bring the culprits to justice.

Further condemn the destruction and desecration of Islamic holy places in occupied Kashmir by Indian forces.

Reaffirm their full rejection of farcical elections imposed by India in occupied Kashmir.

Support the efforts of the Government of Pakistan in seeking a peaceful solution of Jammu and Kashmir dispute, keeping in view the aspirations of the Kashmiri people through all possible means, including a substantive meaningful and sustained dialogue with the Indian Government.

Resolve that:

(a) The people of Jammu and Kashmir shall continue their struggle for the realization of their right to self-determination as promised to them by the

international community through the United Nations Security Council resolutions.

(b) The will of the people of Jammu and Kashmir expressed through a free and impartial plebiscite conducted under the auspices of the UN constitutes the sole and primary basis for the settlement of the Jammu and Kashmir dispute.

Urge the members of the Commission on Human Rights to:-

a) Demand that India withdraw its army of occupation from Jammu and Kashmir, fulfil its promise of holding a free and fair plebiscite in Jammu and Kashmir under UN auspices in accordance with the relevant UN Security Council resolutions and the United Nations Commission on India and Pakistan resolutions of 13 August 1948 and 5 January 1949.

b) Call on India to give concrete shape to the commitments made by it in order to secure the early settlement of the Jammu and Kashmir issue on the basis of the wishes of the Kashmiri people as stipulated by the relevant UN Security Council resolutions.

c) Stress upon the Indian government to put an end to state-terrorism; desist from genocidal repression that tantamounts to ethnic cleansing in Jammu and Kashmir; halt the practice of "crackdowns" on Kashmiris villages and urban areas; remove military pickets and troops from Kashmiri towns and villages and fully respect the religious sentiments of the Kashmiri people.

d) Impress upon the Indian government to allow full access to the thematic special rapporteurs on human rights and international human rights organizations and agree to the stationing of impartial human rights monitors in Indian occupied Jammu and Kashmir.

e) Impress upon the Indain Government to release the Kashmiri leadership and support that leaders of All Parties Hurriyat Conference and Kashmiri Human Rights activists should be declared as "Internationally Protected Persons".

f) Support that the right of travel of Kashmiri people and the leaders of the All Parties Hurriyat Conference should be guaranteed and protected.

(g) Extend all possible humanitarian assistance to the suffering people of Kashmir.

(h) Encourage the ICRC to play a more active role, including humanitarian help to Kashmiri widows and children.

Appeal to all peace loving people and the nations of the world to help and support the people of Jammu and Kashmir in their struggle for realization of their right to self-determination as promised to them under the relevant UN Security Council Resolutions.